

ADOPTED



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 307

AMENDMENT NO. **A7**
(to be filled in by
Principal Clerk)

H307-ACE-113 [v.13]

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Amends Title [NO]
Third Edition

Date _____, 2025

Senator Berger

moves to amend the bill on page 14, lines 5-6, by inserting the following between the lines:

"SECTION 6.5.(a) G.S. 15-187 reads as rewritten:

"§ 15-187. ~~Death by administration of lethal drugs-penalty.~~

~~Death by electrocution under sentence of law and death by the administration of lethal gas under sentence of law are abolished.~~ Any person convicted of a criminal offense and sentenced to death shall be executed in accordance with G.S. 15-188 and the remainder of this Article. The default method of executing a death sentence shall be as described in G.S. 15-188(a). However, if the method adopted in G.S. 15-188(a) is declared unconstitutional by a North Carolina court of competent jurisdiction then the provisions in G.S. 15-188(b) shall apply. The warden of Central Prison may obtain and employ the drugs and equipment necessary to carry out the provisions of this Article, regardless of contrary provisions in Chapter 90 of the General Statutes. Statutes; however, if the method of executing a death under G.S. 15-188(a) is unavailable for any other reason, then the provisions in G.S. 15-188(b) shall apply."

SECTION 6.5.(b) G.S. 15-188 reads as rewritten:

"§ 15-188. Manner and place of execution.

(a) ~~In accordance with G.S. 15-187,~~ Unless subsection (b) of this section applies, the mode of executing a death sentence must in every case be by administering to the convict or felon an intravenous injection of a substance or substances in a lethal quantity sufficient to cause death and until the person is dead, and that procedure shall be determined by the Secretary of the Department of Adult Correction, who shall ensure compliance with the federal and State constitutions; and when any person, convict or felon shall be sentenced by any court of the State having competent jurisdiction to be so executed, the punishment shall only be inflicted within a permanent death chamber which the superintendent of the State penitentiary is hereby authorized and directed to provide within the walls of the North Carolina penitentiary at Raleigh, North Carolina. The superintendent of the State penitentiary shall also cause to be provided, in conformity with this Article, the necessary appliances for the infliction of the punishment of death and qualified personnel to set up and prepare the injection, administer the preinjections, insert the IV catheter, and to perform other tasks required for this procedure in accordance with the requirements of this Article.

(b) The Secretary of the Department of Adult Correction, within 120 days of notice of a judgment being entered that the method in subsection (a) of this section has been declared



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1 unconstitutional by a North Carolina court of competent jurisdiction or notice that the method of
2 execution provided for in subsection (a) of this section is not available, must select another
3 method of executing a death sentence that has been adopted by another state unless such method
4 has been declared unconstitutional by the United States Supreme Court. If the method of
5 execution selected under this subsection is then declared unconstitutional by a North Carolina
6 court of competent jurisdiction, then the Secretary of the Department of Adult Correction shall
7 select another method within 120 days of notice of such a judgment being entered.

8 (c) The Department of Adult Correction shall establish protocols and procedures within
9 120 days once the Department of Adult Correction establishes a method of execution pursuant
10 to subsection (b) of this section. The Secretary of the Department of Adult Correction shall
11 immediately schedule a date for the execution of the original death sentence not more than 60
12 days from upon the establishment of the protocols and procedures in this subsection, or within
13 the timeframe specified in G.S. 15-194, if applicable.

14 (d) The Secretary of the Department of Adult Correction shall report within 14 days the
15 alternative method of execution chosen pursuant to subsection (b) of this section to the Joint
16 Legislative Commission on Governmental Operations.

17 (e) The Attorney General and the Secretary of the Department of Adult Correction shall
18 report to the Joint Legislative Commission on Governmental Operations in every case in which
19 a mode of execution under this section is challenged by a defendant, deemed unconstitutional by
20 a North Carolina court of competent jurisdiction or is not an available mode for some other reason
21 within 7 days of such event."

22 **SECTION 6.5.(c)** G.S. 15-188.1 reads as rewritten:

23 **"§ 15-188.1. Health care professional assistance.**

24 (a) Any assistance rendered with an execution under this Article by any licensed health
25 care professional, including, but not limited to, physicians, nurses, and pharmacists, shall not be
26 cause for any disciplinary or corrective measures by any board, commission, or other authority
27 created by the State or governed by State law which oversees or regulates the practice of health
28 care professionals, including, but not limited to, the North Carolina Medical Board, the North
29 Carolina Board of Nursing, and the North Carolina Board of Pharmacy.

30 (b) The infliction of the punishment of death under this Article, including by
31 administration of the required lethal substances under this Article—substances, shall not be
32 construed to be the practice of medicine."

33 **SECTION 6.5.(d)** G.S. 15-190(a) reads as rewritten:

34 "(a) Correction custody personnel or some other reliable person or persons to be named
35 and designated by the warden from time to time shall cause the person, convict or felon against
36 whom the death sentence has been so pronounced to be executed as provided by this Article and
37 all amendments thereto. The execution shall be under the general supervision and control of the
38 warden of the penitentiary, who shall from time to time, in writing, name and designate the
39 correctional custody personnel or other reliable person or persons who shall cause the person,
40 convict or felon against whom the death sentence has been pronounced to be executed as
41 provided by this Article and all amendments thereto. At such execution there shall be present the
42 warden or deputy warden or some person designated by the warden in the warden's place, and a
43 licensed physician, or a medical professional other than a physician, to monitor the injection of

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the required lethal ~~substances~~ substances, if any, and certify the fact of the execution. If a licensed physician is not present at the execution, then a licensed physician shall be present on the premises and available to examine the body after the execution and pronounce the person dead. Four respectable citizens, two members of the victim's family, the counsel and any relatives of such person, convict or felon and a minister or member of the clergy or religious leader of the person's choosing may be present if they so desire. The identities, including the names, residential addresses, residential telephone numbers, and social security numbers, of witnesses or persons designated to carry out the execution shall be confidential and exempted from Chapter 132 of the General Statutes and are not subject to discovery or introduction as evidence in any proceeding. The Senior Resident Superior Court Judge for Wake County may order disclosure of names made confidential by this section after making findings that support a conclusion that disclosure is necessary to a proper administration of justice.

For purposes of this section, a "medical professional other than a physician" means a physician assistant, nurse practitioner, registered nurse, emergency medical technician, or emergency medical technician-paramedic who is licensed or credentialed by the licensing board, agency, or organization responsible for licensing or credentialing that profession."

SECTION 6.5.(e) G.S. 7A-27 reads as rewritten:

"§ 7A-27. Appeals of right from the courts of the trial divisions.

- (a) Appeal lies of right directly to the Supreme Court in any of the following cases:
- (1) All cases in which the defendant is convicted of murder in the first degree and the judgment of the superior court includes a sentence of death.
 - (2) From any final judgment in a case designated as a mandatory complex business case pursuant to G.S. 7A-45.4 or designated as a discretionary complex business case pursuant to Rule 2.1 of the General Rules of Practice for the Superior and District Courts.
 - (3) From any interlocutory order of a Business Court Judge that does any of the following:
 - a. Affects a substantial right.
 - b. In effect determines the action and prevents a judgment from which an appeal might be taken.
 - c. Discontinues the action.
 - d. Grants or refuses a new trial.
 - (4) Any trial court's decision regarding class action certification under G.S. 1A-1, Rule 23.
 - (5) Repealed by Session Laws 2021-18, s. 1, effective July 1, 2021, and applicable to appeals filed on or after that date.
 - (6) In all cases where a defendant has challenged a method of execution under G.S. 15-188, and a trial court has declared the method unconstitutional.

...."

SECTION 6.5.(f) G.S. 150B-1(d) is amended by adding a new subdivision to read:

"(35) The Department of Adult Correction, with respect to the establishment and administration of any method of execution pursuant to G.S. 15-188."

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SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

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